

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

PETER THOMPSON,

Plaintiff,

v.

US BANK NATIONAL ASSOCIATION;
ANDY CECERE; MORTGAGE
ELECTRONIC REGISTRATION
SYSTEM, INC.; JASON J. HENDERSON;
HALLIDAY, WATKINS, & MANN P.C.;
BENJAMIN J. MANN; AUCTION.COM,
LLC; JASON ALLNUT; ALI
HARALSON; and GEORGE LANE,
Defendants.

CV-23-80-BU-BMM

ORDER

INTRODUCTION

Plaintiff Peter Thompson (“Thompson”), proceeding pro se, filed this action on November 13, 2023. (Doc. 1.) Thompson filed a motion for a preliminary injunction and a temporary restraining order on November 28, 2023. (Doc. 8.)

Defendant U.S. Bank National Association (“U.S. Bank”) opposes this motion. (Doc. 11); (Doc. 19.)

Defendant U.S. Bank filed a motion to dismiss for failure to state a claim on December 1, 2023. (Doc. 14.) Defendant Halliday, Watkins & Mann, P.C. (“Halliday, Watkins & Mann”) filed a motion to dismiss for failure to state a claim on December 4, 2023. (Doc. 17.) Thompson filed a pro se motion for an extension on December 22, 2023. (Doc. 20.) Defendants U.S. Bank, Andy Cecere, Mortgage Electronic Registration Systems, Halliday, Watkins & Mann, and Benjamin J. Mann oppose Thompson’s motion for an extension. (Doc 21); (Doc. 22.)

The Court interprets Thompson’s pro se motion for an extension (Doc. 17) as requesting to amend his complaint. The Court takes note of the fact that the foreclosure sale Thompson sought to prevent with his motion for a temporary restraining order and preliminary injunction (Doc. 8) occurred on December 1, 2023. (See Doc. 9 at 1; Doc. 20 at 1.) The Court recognizes that, at the time of this order, not all defendants have appeared in this action. The Court accordingly will permit Thompson to amend his complaint to address the allegedly changed circumstances since the December 1, 2023 foreclosure sale.

The Court takes also judicial notice of the case *Peter Thompson v. Sullivan et al.*, Case No. 2:18-cv-00075-BMM (“*Thompson I*”). The Court recognizes the lengthy history of that proceeding and the multiple amended complaints filed in

Thompson I. The Court will grant Thompson limited latitude concerning any future complaint amendments in this action. All defendants may renew their motions to dismiss following Thompson's filing of an amended complaint, should they so choose.

ORDER

Accordingly, **IT IS ORDERED:**

1. Thompson's First Pro Se Motion for Extension is **GRANTED**. Thompson shall have until February 15, 2024, to file an amended complaint in this action or to file answers to U.S. Bank's motion to dismiss (Doc. 14.) and Halliday, Watkins & Mann's motion to dismiss. (Doc. 17.) Defendants may file renewed motions to dismiss should Thompson file an amended complaint.
2. The Court stays consideration of U.S. Bank's motion to dismiss (Doc. 14). Should Thompson fail to file an amended complaint by the Court's deadline, the Court will consider U.S. Bank's motion to dismiss.
3. The Court stays consideration of Halliday, Watkins & Mann's motion to dismiss for failure to state a claim. (Doc. 17.) Should Thompson fail to file an amended complaint by the Court's deadline, the Court will consider Halliday, Watkins & Mann's motion to dismiss.

4. Thompson's motion for a preliminary injunction and temporary restraining order (Doc. 8) is **DENIED as moot**.

DATED this 9th day of January, 2024.



Brian Morris, Chief District Judge
United States District Court